

**REMARKS**

The Examiner is thanked for the careful examination of the application. In response to the issues raised by the Examiner, the specification and claims have been carefully reviewed and amended, where appropriate.

**Drawings:**

In response to the issues concerning drawing numbers, the specification has been amended to conform the reference numbers therein to those used in the drawings. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the objection to the drawings.

**35 U.S.C. §112, First Paragraph:**

Claims 6-8 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. The Examiner alleges that the claims set forth the physical characteristics desired rather than specific compositions of the articles. In response to that rejection, the claims have been amended to more clearly define the structure. Specifically, claim 6 now defines a density of each fragment, claim 7 defines that each fragment is adapted to increase upon wetting by at least 500%, and claim 8 defines that each fragment is adapted such that the planar extension of each fragment increases by at least 300% upon wetting. Accordingly, Applicants submit that claims 6-8 define actual structural characteristics of the invention, not just desired characteristics.

**35 U.S.C. §112, Second Paragraph:**

In response to the Examiner's rejection of claims 1-12 under 35 U.S.C. §112, second paragraph, those claims have been carefully reviewed and amended so that they comply with the requirements of 35 U.S.C. §112, second paragraph.

**Art Rejections:**

Claims 1-5, 9 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,203,654, hereinafter McFall, in view of U.S. Patent No. 4,394,930, hereinafter Korpman. The Examiner appears to be relying upon the embodiment disclosed in Figures 15 and 16 of McFall. According to the disclosed embodiment, McFall teaches placing a solid absorbent structure between two webs and then contacting the structure so as to break it into little pieces, which are referenced with reference numeral 1572 in Figure 16 of the present application. As is clear from the description and the figures, there are a large number of particles 1572, and the particles are all touching adjacent particles, and in some cases form plural rows of particles. The Examiner relies upon Korpman as allegedly teaching that the particles may be made of polyacrylate-based foam material.

In response to the rejection, claim 1, the only independent claim in the application has been amended to clarify that at least most of the fragments are arranged such that they are not touching adjacent fragments. Support for the amendment may be found in paragraph 9 of the specification. The purpose behind spacing the fragments from each other is such that when they are exposed to liquid, the fragments can expand unhindered. Due to the free spaces between the fragments, the foam fragments have the ability to expand in three dimensions upon wetting. This is explained in paragraph 9 of the specification.

See also paragraph 13, wherein it indicates that the polyacrylate based foam material is highly compressed in a dry condition such that it expands heavily upon wetting. Accordingly, in view of the amendments, it should now be clear that the

applied prior art does not teach or suggest the present invention as now claimed in claims 1-5, 9 and 12.

Claims 10-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McFall in view of Korpman, and further in view of U.S. Patent No. 4,500,315, hereinafter Pieniak. However, the Examiner relies upon Pieniak merely for its teaching of a storage layer having cellulose fibers and particulate superabsorbent. Accordingly, Pieniak does not overcome the deficiency of the rejection based on McFall and Korpman.

In view of the fact that claims 6-8 were not rejected over the prior art, those claims have been rewritten in independent form.


In view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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